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Attorneys for Plaintiff UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No.: CR 05-00400 SI
	)	
Plaintiff,	)	STIPULATION AND [PROPOSED]
	)	ORDER EXCLUDING TIME
v.	)	FROM SPEEDY TRIAL CALCULATION
ANDRE BENARD,	)	
	)	
Defendant.	)	

With the agreement of the parties, the Court enters this Order excluding the time period from August 19, 2005, through September 2, 2005 under the Speedy Trial Act, 18 U.S.C. § 3161. The parties agree, and the Court finds and holds, as follows:

1. The parties had their first appearance before the Court on August 19, 2005. Defense counsel, who was appointed that morning to represent the Defendant, stated that he required time to obtain and review discovery. The Court therefore excluded time based on the need for effective preparation of counsel and set a further status hearing date of 11:00 a.m. on September 2, 2005.
2. In light of the foregoing facts, the parties have stipulated and continue to stipulate that the failure to grant the requested continuance would unreasonably deny the Defendant effective preparation of counsel taking into account the exercise of due diligence, that the ends of

justice would be served by the Court excluding the proposed time period, that these ends outweigh the best interest of the public and the Defendant in a speedy trial, and that the time period from August 19, 2005 through September 2, 2005 shall be excluded from the Speedy Trial Act calculation. 18 U.S.C. § 3161(h)(8)(A), (B)(iv).

SO STIPULATED.

DATED: \_\_August 24, 2005\_\_ /S/ DAVID FERMINO  
DAVID FERMINO  
Attorney for Defendant Andre Benard

DATED: \_\_August 23 2005\_\_ /S/ EDWARD TORPOO  
EDWARD TORPOCO  
Assistant United States Attorney

In light of the foregoing facts, and with the consent of the parties, the Court hereby orders that the period from August 19, 2005 through September 2, 2005 be excluded from the Speedy Trial Act calculation under 18 U.S.C. § 3161(h)(8)(A), B(iv).

PURSUANT TO STIPULATION IT IS SO ORDERED.

DATED: \_\_\_\_\_

